

JAN 18 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

AVTANDIL KARTOZIA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-70964

Agency No. A97-581-478

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted January 14, 2008**

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Avtandil Kartoza, a native and citizen of the Republic of Georgia, petitions for review of the Board of Immigration Appeals' ("BIA") decision affirming the Immigration Judge's ("IJ") order denying him asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). We have jurisdiction

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

pursuant to 8 U.S.C. § 1252. We review for substantial evidence, *Li v. Ashcroft*, 378 F.3d 959, 962 (9th Cir. 2004), and we deny the petition.

The IJ and BIA determined that the documentary evidence was inconsistent with Kartoza's testimony regarding who was responsible for airing the tape of a political speech and why or how the television station was shut down. Substantial evidence supports these determinations, and the inconsistencies go to the heart of the claim. *See id.* at 962-64. We therefore uphold the ruling denying Kartoza asylum. *See id.* at 964.

Because Kartoza failed to satisfy the lower standard of proof for asylum, it necessarily follows that he failed to satisfy the more stringent standard for withholding of removal. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

In addition, substantial evidence supports the finding that Kartoza failed to prove that it was more likely than not that he would be tortured if returned to Georgia. *See Malhi v. INS*, 336 F.3d 989, 993 (9th Cir. 2003). Kartoza therefore is not entitled to CAT relief.

The motion to strike extra-record material and references is granted.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2)*.

PETITION FOR REVIEW DENIED.